

Amy E. Davis (*admitted pro hac vice*)
 LAW CENTER OF AMY E. DAVIS, LLC
 1021 N. Bishop Ave.
 Dallas, TX 75208
 Telephone: (214) 838-3501
adavis@cdfirm.com

Steve Calamusa (*admitted pro hac vice*)
 Geoff S. Stahl (*admitted pro hac vice*)
 Rachel Bentley (*admitted pro hac vice*)
 Gordon & Partners, P.A.
 4114 Northlake Blvd.
 Palm Beach Gardens, FL 33410
 Telephone: 561-799-5070
SCalamusa@fortheinjured.com
GStahl@fortheinjured.com
RBentley@fortheinjured.com

DAVID E. ROSEN (SBN 155385)
 Email: drosen@murphyrosen.com
 MURPHY ROSEN LLP
 100 Wilshire Boulevard, Suite 1300
 Santa Monica, California 90401-1142
 Telephone: (310) 899-3300
 Facsimile: (310) 399-7201

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

MICHELLE ALBAHAE, et al,

Plaintiffs,

v.

**OLAPLEX HOLDINGS, INC. AND
 COSWAY CO., INC.,**

Defendants.

CASE NO. 2:23-cv-00982-RGK-PLA

Hon. R. Gary Klausner

**PLAINTIFFS' MOTION FOR
 LEAVE TO FILE SUR-REPLY IN
 OPPOSITION TO OLAPLEX
 HOLDINGS, INC'S MOTION TO
 DISMISS**

Hearing Date: June 12, 2023

Hearing Time: 9:00 a.m.

Hearing Ctrm: 850; 8th Floor

Discovery Cut-Off: N/A

Scheduling Conference: May 22, 2023

Trial: N/A

Action Filed: February 9, 2023

1
2 Plaintiffs Michelle Albahae, Chelsea Arango, Megan Arcadi, Jessica Auriana,
3 Juliette Ball, Chelsea Balmer, Rebecca Barnhouse, Tiffany Berry, Donna Bowen,
4 Ashley Branning, Emma Broderick, Joanne Brown, Heather Burkett-Murphy, Holly
5 Burkhart, Hilary Cecile, Mackenzie Cogle, Ashley Courtney, Angelina da Gama,
6 Sarah Dahan, Hope Daley-Derry, Robin Daniels, Roxanna De la Cruz, Katherine
7 Donnelly, Brianda Earle, Monica Easily, Jacob Eisen, Michelle Estrada, Sandra
8 Ferguson, Amanda Fontenot, Denisha Freeman, Heather Geron, Jennifer Georgeson,
9 Alana Green, Nicole Hoff, Monica Hollifield individually and on behalf of S. H.,
10 Lauren Hudson, Tiffany Huval, Aleha Ingle, Heather Jackson, Khila James, Kat
11 Johnston, Jessica Jones individually and on behalf of P. J., Eunice Kahler, Tanya
12 Karakasheva, Kathleen Keehner, Liza Krengel, Anna Kurilova, Julia Leon, Kristie
13 Letizia, Tina Lewis, Laura Llewellyn, Stacey Lobdell, Lasmin Lozoya, Lyana
14 Luciano, Kim Marietta, Theresa McCormack, Leslie McDonald, Lisa Mendez, Jill
15 Mooshagian, Jennifer Morgan, Amanda Murphy, Jessica Nguyen, Leslie Orr,
16 Heather Passmore, Sylva Pate, Sara Petty, Danielle Phelps, Erica Pilicy-Ryan, Robin
17 Poston, Nicole Quenga, Melinda Quinn, Charity Reddish, Natalie Register, Jean
18 Riccio, Sarah Richardson, Heather Rife, Alexa Roemer, Felicia Sanchez, Amy Shay,
19 Farzana Siddiquei, Danielle Sigmon, Rhiannon Singer, Jodi Sobiech, Maria
20 Sokolova, Debra Sterlacci, Miecha Isys Thomas, Vanessa Tocco, Noel Talerico,
21 Marina Tolic, Leslie Tolstoy, Alexandra Urresti, Rebekah Valentine, Tanya Vallejo,
22 Jerrika Vega, Christina Ventor, Robin Vogt, Terri Witts, Robin Yeager and Maureen
23 Zavatone (collectively, "Plaintiffs") file this Motion for Leave to file a short, five
24 page Sur-Reply in Opposition to the Rule 12(b)(6) Motion to Dismiss (the
25 "Motion") filed by Olaplex Holdings, Inc. ("Olaplex") and respectfully state as
26 follows:
27
28

1 In a Reply in Support of its Motion to Dismiss, Olaplex represented to the
2 Court that Plaintiffs have conceded and, therefore, waived certain issues raised in
3 the Motion to Dismiss. ECF 22. Plaintiffs, in fact, hotly dispute these issues and
4 addressed them in its Response to the Motion to Dismiss. Plaintiffs seek leave to file
5 the five-page Sur-Reply attached as Exhibit A for the sole purpose of addressing
6 Olaplex's waiver argument and to address any misimpression so the record is clear.

7 Plaintiffs have not previously had the opportunity to brief the waiver
8 argument nor did Plaintiffs have reason to anticipate such an argument based solely
9 on the Motion to Dismiss.

10 Plaintiffs believe this briefing will be of assistance to the Court. Moreover,
11 because of its brevity and promptness, the Sur-Reply should not delay the Court's
12 consideration of the Motion to Dismiss.

13 **CONCLUSION AND PRAYER**

14 For these reasons, Plaintiffs respectfully request the Court grant them leave to
15 file the short, five page Sur-Reply attached as Exhibit A and for such other and
16 further relief to which they may be entitled.

17 Dated: June 2, 2023

18 Respectfully submitted,

19 LAW CENTER OF AMY E. DAVIS, LLC

20 By: /s/ Amy E. Davis

21 Amy E. Davis (*admitted pro hac vice*)

22 1021 N. Bishop Ave.

23 Dallas, TX 75208

24 adavis@cdfirm.com

GORDON & PARTNERS, P.A.

Steve Calamusa (*admitted pro hac vice*)

Geoff S. Stahl (*admitted pro hac vice*)

Rachel Bentley (*admitted pro hac vice*)

4114 Northlake Blvd.

Palm Beach Gardens, FL 33410

Telephone: 561-799-5070

SCalamusa@fortheinjured.com

GStahl@fortheinjured.com

RBentley@fortheinjured.com

MURPHY ROSEN LLP

David E. Rosen (SBN 155385)

Email: drosen@murphyrosen.com

100 Wilshire Boulevard, Suite 1300

Santa Monica, California 90401-1142

Telephone: (310) 899-3300

Facsimile: (310) 399-7201

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on the 2d day of June 2023, I served the foregoing document on all counsel of record via ECF.

By: /s/ Amy E. Davis